THE Earle of Briſtoll HIS SPEECH IN THE Houſe of Lords,

The XX. Day of *July* 1660. upon the BILL of

INDEMPNITY.

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My Lords,

BEING to speak unto Your Lordships somewhat more extendedly than is my use, and upon a Subject wherein there may be perhaps not onely difference, but even fervour of Opinions, I find my self obliged by somewhat that happened to me here the other day, to beg a favour of Your Lordships, that if I should chance to erre in formes and orders of the House, or that there should slip from me unawares any expression that may be dissonant to the ears of those who understand better than I the force and propriety of words, You will not be severe unto me, but be pleased to consider, That I have been sixteen years out of my Countrey, and in a profession far differing from what I am now a doing: In confidence of this Indulgence I shall proceed.

MY LORDS,

YOU have here before you in this Bill of Indempnity the most important Busines that perhaps the House of Peers hath

hath at any time had in deliberation; it is that upon which the Honour or eternal Reproch of the Nation abroad, and its Happineſſe or Confuſion at home, ſeems (next under Gods inſcrutable providence) moſt principally to depend. For on the one ſide, how abhorr'd a Nation muſt we needs be to all others, if the Infamy of our Sovereigns Murther ſhould not be throughly waſhed away by Juſtice in the bloud of the guilty? And on the other, what happineſs or quiet can we hope for at home, nay, what new combuſtions ought we not to apprehend, if the Criminal and the Miſled (between whom the Eye of the Law can make little diſtinction) making up ſo numerous a part of the Nation, their fears, which might urge them to new Crimes, ſhould not be ſecured by the firmeſt aſſurances of Impunity? Puniſhing and Securing are certainly the two principal ends of this Bill, and wherein as certainly every one of Your Lordſhips doth concur; but whether the means of attaining thoſe ends have been ſufficiently lighted upon by the Houſe of Commons in this Bill, That I ſuppoſe is the preſent Queſtion; and wherein I think my ſelf in duty obliged to expreſſe unto Your Lordſhips with freedom and ſincerity my Judgment, in all humble ſubmiſſion unto Yours.

As for that part of the Bill which relates to Our Sovereigns Murther, I find it ſo ſhort and ſo much out of the way, of what We owe, both to the ſeverity and ſolemnity of that Revenge, that I cannot but think it in ſome ſort (pardon the expreſſion) a prophanation of the due Rites of that ſacred Expiation, to handle it in the ſame Bill promiſcuouſly with other more vulgar things.

My Motion therefore ſhall be, That there be forthwith a Committee appointed, to conſider of all things fit to be done for the waſhing away of that Stain from the Nation, and from the Age wherein we live; and to draw up an Act purpoſely and ſolely

ſolely for that end. In confidence that this Motion will either be embraced by Your Lordſhips, or that, if it be oppoſed, I ſhall have the liberty to fortifie it by my Reaſons, I ſhall ſet that buſineſs apart, and apply my diſcourſe to what concerns this Bill in all other relations: In which I ſhall not make nice to tell Your Lordſhips, that I think it defective in many things reaſonable, and redundant in ſome things unreaſonable; and yet, notwithſtanding, not onely my humble Motion, but my moſt earneſt preſſure, as far as with humility I may, ſhall be, That We may proceed immediately to the Paſſing of this Bill, with little or no alteration.

This, my Lords, may appear a ſurpriſing motion from a Perſon thought to be, as indeed I am, as much inflamed as any man living with Indignation at the deteſtable proceedings of the late uſurped Power, ſo pernicious to the Publick, and ſo injurious to my own particular; in whom the motion may ſeem yet more ſurpriſing, when I ſhall have told You with truth, That I am irreparably ruined in my fortune for my Loyalty, (if this Bill of Indempnity to others for their Diſloyalty ſhould paſſe as it is here offered unto Your Lordſhips.) But the ground I go upon is, this received Maxime as to all publick Sanctions, *Better a Miſchief than an Inconvenience: yea, Better innumerable Miſchiefs to particular Perſons and Families, than one heavy Inconvenience to the Publick.*

My Lords, I profeſs unto You I find my ſelf ſet on fire, when I think that the bloud of ſo many vertuous and meritorious Perſons, Peeres and others of all ranks, ſo cruelly and ſo impiouſly ſhed, ſhould cry ſo loud for vengeance, and not finde it from Us.

That many of the wickedeſt and meaneſt of the people ſhould remain as it were rewarded for their Treaſons, rich and

riumphant in the ſpoiles of the moſt eminent in Vertue and Loyalty of all the Nobility and Gentry of the Kingdom.

What generous Spirit can make reflection on theſe things, and ot find his heart burn into rage within him?

Here it is, My Lords, that we ſufferers have need of all Our Philoſophy.

But when I conſider that theſe are miſchiefs only to the ſuf-erers, and that to inſiſt upon a remedy might perhaps expoſe he publick to an irreparable inconvenience, I thank God I ind in an inſtant all my reſentments calmed and Submitted to my rimary duty.

My Lords, We have here in Our view a Kingdom toſſed and owling ſtill with the effects of paſt Tempeſts; and though, God be thanked, the ſtorm be miraculouſly ceaſed, we can not ay that the danger is, untill we get into Still Water: That Still, hat Smooth Water is only to be found in the Generalities ſe-urity from their guilty feares, and in the Two Houſes Union etween themſelves, and with their Soveraign.

Whether the latter may not be endangered if we ſhould en-er into Controverſie upon the particulars of this Bill, I leave nto Your Lordſhips to judge. But certainly as to the former, here can be no hopes of raiſing Moneys, of disbanding Armies, r of ſettling that Happineſs and Tranquillity which We all ſigh or, of being governed under Our Gracious Soveraign by the ncient and known Lawes of the Land, whilſt univerſal feares hall ſubſiſt by the delay in paſſing this Bill.

My Lords, I ſhall ſumme up unto Your Lordſhips my whole rift in a few words.

I think that in this Bill there are many things wanting which ſolid and important reaſons would require to be added, and many things inſerted into it, which Juſtice to His Majeſties intereſts and to particular perſons would require to be omitted or rectified: But I conceive at the ſame time that the miſchiefs of the delay in paſsing it do far out-weigh all the advantages of improving it.

My Lords, I ſhall conclude my diſcourſe and Your Lordſhips trouble with the application to this purpoſe of a memorable ſaying of that Illuſtrious Miniſter, the Cardinall *Mazarins*, at a Council in the Wars of *France*, whereunto I had the honour to be called. It was, That in the great affaires of the World He had not known any thing do more hurt then theſe two words *Faiſons Mieux*, let us do better. For, ſaid he, whilſt good Wits endeavour by debates to bring good Counſels to a greater perfection, they do for the moſt part loſe the opportunity of timeing things rightly, which in great actions is of far more importance then the preference according to refined reaſon betwixt Good and Better.

Upon this ground my concluſion is, that, that part which concerns the Kings death being put in the way propoſed, we ſhould proceed to the ſpeedy paſſing of this Bill without loſing any time in emendations; but if we be deſtined to ſo fatall a loſſe by ravelling into particulars, I ſhall in that caſe deſire leave to offer unto Your Lordſhips therein my reflections alſo.

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